

VIA eFILE

PATENT APPLICATION  
Docket No. 15436.204.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		)
		)
	Stephen C. Gordy et al.	)
		)
Serial No.:	10/776,579	) Art Unit
		) 2616
Filed:	February 11, 2004	)
		)
For:	NETWORK TAP WITH INTEGRATED	)
	CIRCUITRY	)
		)
Confirmation No.:	3034	)
		)
Customer No.:	022913	)
		)
Examiner:	Duc Chi Ho	)

TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Owners, Finisar Corporation, having 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent** No. U.S. 6,898,632 and **prior patent application** No. 10/735,417 and as the term is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patents** are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patents** are commonly owned. This Agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patents**, "as the term of said **prior patents** is presently shortened by any terminal disclaimer," in the event that said **prior patents** later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 18<sup>th</sup> day of October, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric L. Maschoff".

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